

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JR 1, *et al.*,

Plaintiffs,

Case No. 23-cv-12164

Hon. Matthew F. Leitman

v.

TIMOTHY HERTZ, *et al.*,

Defendants.

**ORDER (1) DIRECTING WITNESS DEBRA BRAUCKMILLER TO
PERSONALLY APPEAR AT HEARING ON PLAINTIFFS' MOTION FOR
CONTEMPT (ECF No. 21) AND (2) DIRECTING PLAINTIFFS TO SERVE
MOTION, NOTICE OF HEARING, AND THIS
ORDER ON BRAUCKMILLER**

In this action, Plaintiffs seek damages arising out of a motor vehicle accident that occurred on August 16, 2020. (*See* Compl., ECF No. 1.) On February 9, 2024, Plaintiffs served a subpoena for a deposition on third-party witness Debra Brauckmiller. (*See* Subpoena, ECF No. 21-1.) Plaintiffs say Brauckmiller is a “relevant and critical witness” in this case because she “was babysitting the three minor Plaintiffs on the date(s) of the subject incident(s), was the driver of the motor vehicle in with Plaintiffs were passengers at the time of the relevant motor vehicle accident, and interacted with some or all of the individual [] Defendants at relevant times during the subject incident(s).” (Mot., ECF No. 21, PageID.140.) Brauckmiller did not appear for that deposition. (*See id.*, PageID.141.) Plaintiffs

further assert that Brauckmiller has repeatedly ignored other subpoenas and court order(s) arising out of this incident in related state-court litigation. (*See id.*)

Accordingly, on March 3, 2024, Plaintiffs filed a motion in which they asked the Court to “enter an Order holding Debra Brauckmiller in civil contempt, and issue a warrant for her arrest.” (*Id.*, PageID.148.) The Court has scheduled an in person hearing on Plaintiffs’ motion for **May 16, 2024, at 1:00 p.m.** in Courtroom 207 of the Detroit federal courthouse, 231 W. Lafayette Blvd., Detroit, Michigan 48226. (*See* Notice of Status Conference, ECF No. 22.) The Court **ORDERS** Plaintiffs’ counsel, Defendants’ counsel, *and* Brauckmiller to all ***personally attend*** the status conference.

By no later than **April 26, 2024**, Plaintiffs’ counsel shall personally serve Brauckmiller with (1) Plaintiffs’ motion for contempt (ECF No. 21), (2) the Notice of Hearing (ECF No. 22), and (3) this order.

In addition, by no later than **April 26, 2024**, Plaintiffs’ counsel shall file a proof of service on the docket confirming that Brauckmiller has been personally served with the documents identified above.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 4, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 4, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager
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